

Application No. : 10/074,318

Remarks:

The Office Actions' rejection of each of the independent claims on the grounds of non-statutory obviousness-type double patenting and under 35 U.S.C 102(b) relies on the Office Action's assertion that Cookson et al., U.S. Patent 5,400,077, anticipates each of the limitations of the claims. As is detailed below, Cookson does not anticipate or render obvious, in fact teaches away from every material limitation of each of the outstanding claims.

Contrary to the Office Action's assertions, each of the claims call for much more than Cookson anticipates or renders obvious. The subject matter claimed produces results, solves problems, offers advantages that are neither anticipated nor rendered obvious by Cookson.

The Office Actions' rejection of each of the independent claims on the grounds of non-statutory obviousness-type double patenting and under 35 U.S.C 102(b) relies on the Office Action's assertion that Cookson et al., U.S. Patent 5,400,077, anticipates, for example, "a request to replay a portion of the video" and "changing, responsive to the replay request, an audio of the video". The Office Action cites and relies upon the teachings of Cookson's FIG. 5, and Col 25 lines 9-20, and 32-40.

Cookson at Col. 25 lines 9-20 recites:

"The next default setting is language--the sound track dialog language, the subtitle language (if any), and the language in which menus are to be presented on the display. In the United States, for example, the default language would be English. If the user does not inform the player that a language other than English is desired for one or more of these functions, audio language track 10 will be used to generate the sound track, and character strings in the English language will be used in setting up the mixing/deletion menu for the 'other' audio tracks and for the table of contents. As for subtitles, the usual default is 'no language.'" [Col. 25, lines 9-20.]

While the Office Action recites Cookson at Col. 25 lines 32-40, the entire paragraph (lines 32-58) recites:

"As in many consumer electronic devices, the keyboard can be used by the user at any time to interrogate or control the player. Routine control sequences which are standard in the art are not shown in the flowcharts. For example, the keyboard, or an associated remote control device, can be used to control the volume, fast forward, a jump to a specified chapter, etc. The normal processing can be interrupted to control a display by operating a menu key, as is known in the art. At the start of the processing of FIG. 5A, there is shown a test for determining whether the menu key is operated. The reason for showing

an interrogation of whether the menu key is operated at the start of the processing, as opposed to any other time during play of the disk, is that this is the mechanism by which default settings can be changed. If the menu key is operated when power is first turned on, the system displays a menu. As indicated in the flowchart, the user is given the choice of changing defaults, viewing the table of contents for the disk, and/or (in case the menu key was operated accidentally) simply returning to the processing without changing anything. As indicated, depending on the menu selection, the defaults are changed, the entire menu selection process is aborted, or a TOC (table of contents) flag is set to 1. This flag will be examined later to determine whether the table of contents should be displayed.” [Col. 25, lines 32-58.]

Cookson’s teachings, for example, “Routine control sequences which are standard in the art” and the “the user is given the choice of changing defaults” do not anticipate “a request to replay a portion of the video” and “changing, responsive to the replay request, an audio of the video” as each of the outstanding independent claims call for. The Office Action does not make explicit its analysis of how Cookson’s methods and steps associated with, for example, “Routine control sequences which are standard in the art” are transformed to perform the claimed integrated method comprising a “request to replay a portion of the video” and “changing, responsive to the replay request, an audio of the video”. Cookson does not anticipate a “request to replay a portion of the video” and “changing, responsive to the replay request, an audio of the video” as each of the claims call for..

Cookson’s capabilities are, with respect to the subject matter claimed, materially incomplete and the individual elements, that may be present, are not executed in the way the claims call for. For example, each of the claims calls for “discontinuing, responsive to the replay request, the playing of the changed audio.” The Office Action argues that this is anticipated because the “user can discontinue the playing of the changed audio through remote control or keyboard”. [OA Page 11] Contrary to the Office Action suggestion, the claims do not call for “discontinuing, responsive to a user request to change the audio, the playing of the changed audio”. The application itself teaches that requiring the user to change the audio selected would result in the “loss of attention to the playing of the video”. Nothing in the Office Action suggests an appreciation of the benefits of the systems and methods of the outstanding claims.

The application teaches, and the claims call for, more than the independent capabilities of a video player to replay a video and to change the audio. The application, for example, teaches at page 68 that:

In an RCA RC5200P DVD player, the infrared remote control comprises the

following keys/buttons: ANGLE, AUDIO, SUBTITLE, ON-OFF (subtitle on/off), SKIP REV, REV, and PLAY. In a situation where the viewer did not understand the dialogue of a segment of a motion picture, the viewer would have to, for example: i) press the subtitle ON-OFF button to turn on the subtitle; ii) press the SKIP REV button to skip backwards to the beginning of the current chapter; and iii) following the replaying of the segment, press the subtitle ON-OFF button to turn off the subtitle display. Alternatively, the viewer could: i) press the subtitle ON-OFF button to turn on the subtitle; ii) press the REV button to rewind the video to the appropriate point; iii) press the PLAY button to stop the rewinding of the video and cause the video to play the segment; and iv) following the replaying of the segment, press the subtitle ON-OFF button to turn off the subtitle display.

The common problems with both of these methods are: i) the number of steps that are required; ii) the video is likely to be rewinded substantially past the amount usually desired in a significant percentage of the cases; and iii) the loss of attention to the playing of the video required to turn off the subtitle display. In the case of utilizing the SKIP REV button, the excessive rewinding problem results from the fact that the SKIP REV function is controlled by segment definitions (chapters) averaging three to four minutes in duration. In the case of utilizing the REV button, the excessive rewinding problem results from the velocity of the rewinding function in a DVD player.

In view of the foregoing and other shortcomings of the prior art, it is an object to enhance the viewing of a video by providing an elegant means and method for replaying for a viewer a non-understood segment of the video. Accordingly, a Multimedia Player's software is enhanced to serve those situations in which a viewer has failed to understand the dialogue, i.e. "What was said?".

A remote control capable of activating a replay function comprises a WHAT? button, key, or other replay function key or means, to enable a viewer by activating the replay function to automatically cause the system to: i) rewind or skip backwards the playing of the video a system default or a viewer specific previously defined amount, e.g. 20 seconds; ii) turn on the subtitle to a system default or a viewer specific previously selected subtitle language, e.g. English; iii) turn off the subtitle at either the point the WHAT? button was pressed or at some viewer specific previously defined point with respect to the time at which the WHAT? button was pressed, e.g. five seconds prior to, or after, the point the WHAT? button was pressed; and iv) increase the audio/dialog volume during the segment replayed.

Thus, advantageously, by, for example, the pressing of a single WHAT? button or issuing, a single word command, a viewer accomplishes a function which cannot be accomplished, as efficiently and elegantly, with the pressing of at least three buttons in, for example, the operation of the RCA RC5200P DVD player.

With respect to the subject matter claimed, Cookson adds nothing to the teachings or capabilities of the RCA RC5200P DVD player. The teachings of Cookson's do not overcome the deficiencies, explained in the application, of the RCA RC5200P DVD player.

The application explicitly teaches that even if each of the underlying capabilities, e.g., replay of video and change of audio, are present in the applied art, their separate sequential operation does not solve the problems identified by the application and do not provide the benefits

of the system and methods claimed. The Office Action has ignored that each of the claim's synergistic integration of enhanced capabilities provide an improvement that is more than the actual and predictable use of the prior-art elements according to their established functions. Claim 21, as amended, for example, calls for:

A method of replaying a portion of a video comprising the steps of: receiving, during a playing of a video, a request to replay a portion of the video, the portion of the video being responsive to a preestablished amount of time; changing, responsive to the replay request and to a preestablished audio preference, an audio of the video; playing, responsive to the replay request, the portion of the video and the changed audio; and discontinuing, responsive to the replay request, the playing of the changed audio.

Even if each of the elements were found present in the applied art, the Office Action does not identify a reason that would have prompted a person of ordinary skill in the art to combine the elements with changes in their respective functions as the claimed inventions do.

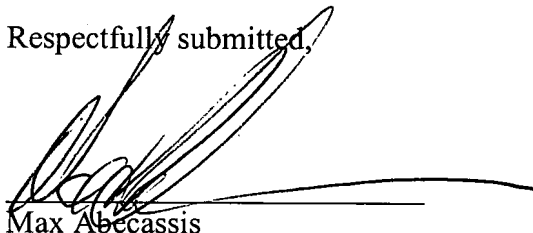
Cookson does not identify a design need, market pressure, or a motivation to solve the problem identified by the application and that the claims address. The needs and problems addressed by the subject matter claimed is not known or appreciated by Cookson.

For these and other reasons, applicant traverses the rejection of each of the claims, and respectfully submit that the rejection of claims on the grounds of non-statutory obviousness-type double patenting and under 35 U.S.C 102(b) as being anticipated by Cookson is unwarranted and should be reversed. Applicant, by the above, further urges that a rejection under 35 U.S.C. 103 would also be unwarranted.

Cookson, alone or in combination with the references of record does not teach, suggest, anticipate, or render obvious, teaches away from, does not recognize, much less appreciate the advantages, of the subject matter of each of the outstanding claims:

Accordingly, it is believed that this application is in condition for allowance, which action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Max Abecassis', is written over a horizontal line.

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